

3/22/19

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

Abingdon Division

BRANDON BLEVINS,

Plaintiff

v.

Case No. 1:19CV10

TRAVIS HAYTON,

Defendant

COMPLAINT

Brandon Blevins, by counsel, states as follows:

1. This is an action for damages brought pursuant to 42 U.S.C. § 1983. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.
2. Brandon Blevins is a citizen of the Commonwealth of Virginia. At all times pertinent to the claims stated herein, Defendant Travis Hayton is, and was at the time of the incidents described herein, a Deputy Sheriff of Tazewell County, Virginia, acting in that capacity and authority under the color of state law in the events described herein.
3. On or about March 23, 2017, Blevins was operating a motor vehicle on the highways of Tazewell County, Virginia, when Tazewell County, Virginia, Deputy Sheriff Keith Dunn observed Plaintiff's vehicle run off the highway and almost hit a guardrail. Dunn signaled to Blevins to stop his vehicle. Blevins did not stop and Dunn continued to follow Blevins, attempting to get him to stop.
4. Blevins used his cellular telephone to call 911 and informed the 911 operator that an officer was attempting to stop him, that he wanted to and was attempting to comply, but that he could not get his legs to work to stop his vehicle. Blevins had suffered from mental health

issues, including severe depression, and during acute attacks, his body would “freeze” or otherwise not respond to his cognitive directions.

5. Deputy Dunn communicated with officer law enforcement officers by radio, informing them that he was engaged in the pursuit of the Blevins vehicle and that the driver of the vehicle would not stop. Defendant Hayton, operating another sheriff’s patrol car, joined in the pursuit, as Police Officers employed by the Town of Tazewell, Virginia who were operating Town of Tazewell police vehicles. It is believed that Dunn and the Defendant knew that Blevins had been communicating with the 911 operator that he wanted to stop but could not get his legs to work.

6. Blevins eventually was able to get his vehicle under control and stopped his car on the side of the highway. Defendant Hayton approached him while instructing Blevins to get out of his vehicle. Blevins was attempting to do so and struggled to unlock his seat belt and shoulder harness.

7. Defendant Hayton used a weapon to break the driver’s side window of Blevins’ vehicle, striking near to or onto Blevins’ head with that weapon and physically pulled Blevins from the vehicle, piledriving Blevins face first to the ground with great force and landing on him with Hayton’s weight on Blevins. The force used by Hayton in the arrest was excessive and unnecessary. Blevins had suffered a severe injury to his head and face and injury to his back.

8. Blevins was handcuffed and while laying face down on the ground while handcuffed felt and suffered a powerful and painful kick to his ribs.

9. The Defendants wrongfully acted under color of state law to intentionally and maliciously use and inflict upon Plaintiff excessive and unnecessary force in the arrest of Plaintiff in violation of the Fourth Amendment to the United States Constitution.

10. Blevins suffered such physical injuries in the arrest that he was transported from the scene by ambulance for treatment at a hospital. As a direct and proximate result of Defendant's wrongful acts, Plaintiff suffered substantial injuries, including temporary and permanent bodily injury, pain and suffering and emotional distress.

11. The Defendant's wrongful acts were done intentionally and maliciously and Plaintiff is entitled to punitive damages.

TRIAL BY JURY IS DEMANDED.

Wherefore, Plaintiff demands judgment against the Defendants in the amount of \$500,000.00 in compensatory and punitive damages, attorney fees and expenses, and his costs expended.

BRANDON BLEVINS

BY COUNSEL

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